

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

TOC Holdings Co., fka Time Oil Co.,

Debtor.

Case No. 2:18-cv-01118-RSL

EDMUND J. WOOD, Trustee of the Bankruptcy
Estate of TOC Holdings Co., fka Time Oil Co.,

Plaintiff,

STIPULATED MOTION AND ORDER
TO SUBSTITUTE PARTY PURSUANT
TO FRCP 25

v.

Noted for Consideration: May 2, 2019
(Pursuant to LCR 7(d)(1) and LCR 10(g))

C. EDWARD MILLER, JR and JANE DOE
MILLER, husband and wife and their marital
community, and C. Edward Miller, Jr. in his
capacity as trustee for certain defendant trusts
herein; RAYMOND G. STROMER and JANE
DOE STROMER, husband and wife and their
marital community; CAROLYN M. HECK and
JOHN DOE HECK, husband and wife and their
marital community; HOLLIDAY REVOCABLE
TRUST; E. GAILLE HOLLIDAY and THE
NORTHERN TRUST COMPANY as Trustees of
the HOLLIDAY REVOCABLE TRUST; E.
GAILLE HOLLIDAY, in her individual capacity
as part of the marital community of H. ROGER
HOLLIDAY; CARRIE ANN ABENDROTH and
JOHN DOE ABENDROTH, husband and wife
and their marital community; DAVID EDWARD
ABENDROTH and JANE DOE ABENDROTH,
husband and wife and their marital community;
INGRID LEA ABENDROTH and JOHN DOE

STIPULATED MOTION AND ORDER TO SUBSTITUTE
PARTY PURSUANT TO FRCP 25 - 1

Case No. 2:18-cv-01118-RSL

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SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 ABENDROTH, husband and wife and their
2 marital community; MICHAEL JAMES
3 ABENDROTH and JANE DOE ABENDROTH,
4 husband and wife and their marital community;
5 RICHARD DREW ABENDROTH and JANE
6 DOE ABENDROTH, husband and wife and their
7 marital community; STEPHEN E. ABENDROTH
8 and JANE DOE ABENDROTH, husband and wife
9 and their marital community; TERRY LYNN
10 ABENDROTH and JOHN DOE ABENDROTH,
11 husband and wife and their marital community;
12 DAISY S. MILLER TRUST; DAWN C. MILLER
13 TRUST; DOMINIQUE S. MILLER TRUST;
14 JOHN MICHAEL HECK and JANE DOE HECK,
15 husband and wife and their marital community;
16 JULIANNE MARIE HECK and JOHN DOE
17 HECK, husband and wife and their marital
18 community; CHRISTOPHER F. MAKENS and
19 JANE DOE MAKENS, husband and wife and
20 their marital community; DIANA M. MAKENS
21 and JOHN DOE MAKENS, husband and wife and
22 their marital community and Diana M. Makens in
her capacity as trustee for certain defendant trusts
herein; JAMES W. MAKENS and JANE DOE
MAKENS, husband and wife and their marital
community; JOHN E. MAKENS and JANE DOE
MAKENS, husband and wife and their marital
community; MICHAEL D. MAKENS and JANE
DOE MAKENS, husband and wife and their
marital community; MILLER FAMILY TRUST
UTD 4/16/81; C. EDWARD MILLER, JR.
SEPARATE PROPERTY TRUST; LAUREEN
MILLER SEPARATE PROPERTY TRUST;
MELISSA DEL NERO PIRES and JOHN DOE
PIRES, husband and wife and their marital
community; KATHERINE VALLERNAUD and
JOHN DOE VALLERNAUD, husband and wife
and their marital community; 1999 YASUTAKE
FAMILY TRUST; GERALD YUJI YASUTAKE
and BARBARA ANN YASUTAKE, in their
capacities as trustees of the 1999 YASUTAKE
FAMILY TRUST, and DOES 1-100;

Defendants.

I. STIPULATION

The parties, by and through their undersigned counsel of record, hereby stipulate and move this Court pursuant to Federal Rule of Civil Procedure 25, which is incorporated by

STIPULATED MOTION AND ORDER TO SUBSTITUTE
PARTY PURSUANT TO FRCP 25 - 2
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1 reference in Bankruptcy Rule 7025, to substitute the name of an existing party in the case from
2 Defendant Raymond G. Stromer to the “Estate of Raymond G. Stromer, William Greenwood,
3 Personal Representative.”

4 This action was initiated as an adversary proceeding (Adv. Pro. No. 18-01041-CMA) in
5 connection with the Chapter 7 bankruptcy proceedings in *In Re: TOC Holdings Co., fka Time Oil*
6 *Co.* in the United States Bankruptcy Court for the Western District of Washington (Case No. 17-
7 11872-CMA). Plaintiff Edmund J. Wood is the duly appointed Chapter 7 Trustee of the
8 Bankruptcy Estate of TOC Holdings Co., fka Time Oil Co. On February 25, 2019, this Court
9 issued an Order Granting Motion For Withdrawal Of Reference [District Court Dkt 4] with
10 respect to the adversary proceeding and assigned a District Court case number to the case
11 (District Court Case No. 2:18-CV-01118-RSL).

12 Federal Rule of Civil Procedure 25(a) provides that “If a party dies and the claim is not
13 extinguished, the court may order substitution of the proper party.” Raymond G. Stromer passed
14 away on February 24, 2019. On April 15, 2019, a petition for probate was filed regarding Mr.
15 Stromer, *In Re Raymond G. Stromer*, King County Superior Court Case No. 19-4-08192-6 SEA.
16 William Greenwood was appointed as the personal representative of the Estate. A true and
17 correct copy of the docket sheet for Case No. 19-4-08192-6 SEA, as of April 25, 2019, is
18 attached hereto as Exhibit A.

19 The parties therefore respectfully request that this substitution be ordered by the Court
20 without waiver of any claims, defenses, or rights of any of the parties to this action, including but
21 not limited to any pending claims alleged against Raymond G. Stromer in Plaintiff’s First
22 Amended Complaint For Breaches Of Fiduciary Duty, To Recover Fraudulent Transfers, And
23 For Violations Of The Washington Business Corporation Act [Adv. Dkt 64] and any answers
24 and defenses alleged in defendants’ Answers and Affirmative Defenses to the First Amended
25 Complaint [Adv. Dkt 94 and Adv. Dkt 95].
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STIPULATED MOTION AND ORDER TO SUBSTITUTE
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So stipulated and jointly submitted on May 2, 2019 by:

FOSTER PEPPER PLLC

s/Christopher G. Emch

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*Attorneys for Plaintiff
Chapter 7 Trustee Edmund J. Wood*

K&L GATES LLP

s/Michael J. Gearin

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1999 Yasutake Family Trust; Gerald Yuji
Yasutake and Barbara Ann Yasutake as
Trustees of the 1999 Yasutake Family Trust;
David Edward Abendroth; Michael James
Abendroth; Carrie Ann Abendroth; Ingrid
Lea Abendroth; John Michael Heck; Richard
Drew Abendroth; Julianne Marie Heck;
Stephen E. Abendroth; Terry Lynn Abendroth*

SCHWABE, WILLIAMSON & WYATT, PC

s/Lawrence R. Ream

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Jr.; Jane Doe Miller; Estate of Raymond G.
Stromer, William Greenwood, Personal
Representative; Daisy S. Miller Trust; Dawn C.
Miller Trust; Dominique S. Miller Trust;
Christopher F. Makens; Diana
M. Makens; John Doe Makens; James W.
Makens; Jane Doe Makens; John E.
Makens; Michael D. Makens; Jane Doe
Makens; Miller Family Trust UTD
04/16/81; C. Edward Miller, Jr. Separate
Property Trust; Laureen Miller Separate
Property Trust; Melissa Del Nero Pires;
John Doe Pires; Katherine Vallernaud;
John Doe Vallernaud; Holliday Revocable Trust;
E. Gaille Holliday and The Northern Trust
Company as Trustees of the Holliday Revocable
Trust; E. Gaille Holliday*

STIPULATED MOTION AND ORDER TO SUBSTITUTE
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II. ORDER

Based on the foregoing Stipulation of the parties.

IT IS SO ORDERED this 3rd day of May, 2019.


Robert S. Lasnik
United States District Judge

Presented by:

FOSTER PEPPER PLLC

s/Christopher G. Emch

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Chapter 7 Trustee Edmund J. Wood

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Heck; 1999 Yasutake Family Trust;
Gerald Yuji Yasutake and Barbara
Ann Yasutake as Trustees of the 1999
Yasutake Family Trust; David Edward
Abendroth; Michael James Abendroth;
Carrie Ann Abendroth; Ingrid Lea
Abendroth; John Michael Heck;
Richard Drew Abendroth; Julianne
Marie Heck; Stephen E. Abendroth;
Terry Lynn Abendroth*

STIPULATED MOTION AND ORDER TO SUBSTITUTE
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8 Miller, Jr.; Jane Doe Miller; Estate of
Ray Stromer, William Greenwood,
9 Personal Representative; Daisy S.
Miller Trust; Dawn C. Miller Trust;
10 Dominique S. Miller Trust;
Christopher F. Makens; Diana M.
11 Makens; John Doe Makens; James W.
Makens; Jane Doe Makens; John E.
12 Makens; Michael D. Makens; Jane
Doe Makens; Miller Family Trust
13 UTD 04/16/81; C. Edward Miller, Jr.
Separate Property Trust; Laureen
14 Miller Separate Property Trust;
Melissa Del Nero Pires; John Doe
15 Pires; Katherine Vallernaud; John
Doe Vallernaud; Holliday Revocable
16 Trust; E. Gaille Holliday and The
Northern Trust Company as Trustees
17 of the Holliday Revocable Trust; E.
Gaille Holliday*

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STIPULATED MOTION AND ORDER TO SUBSTITUTE
PARTY PURSUANT TO FRCP 25 - 6
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Exhibit A



Department of Judicial Administration
Copy Case Report

Case #: 19-4-08192-6 SEA

Case Title: In Re RAYMOND G STROMER

Filed: 04/15/2019

Appeal From Lower Court? No

Cause: EST - Estate

DV: N

Case Status: Active

Date: 04/15/2019

Parties

| <u>Party</u> | <u>Name</u> | <u>Status</u> |
|--------------|--------------------|---------------|
| Deceased | STROMER, RAYMOND G | |

| <u>Party</u> | <u>Name</u> | <u>Bar #</u> | <u>Status</u> | <u>Representing</u> |
|--------------|-------------|--------------|---------------|---------------------|
| Attorney | Way, M John | 37052 | Current | WILLIAM GREENWOOD |

Documents

| <u>Sub #</u> | <u>Date</u> | <u>Code</u> | <u>Description</u> |
|--------------|-------------|-------------|--|
| 1 | 04/15/2019 | PTPOSD | Petition for Probate of Will for Order Adjudicating Solvency Directing Ad |
| 2 | 04/15/2019 | CICS | Case Information Cover Sheet |
| 3 | 04/15/2019 | LWAT | Last Will and Testament |
| 4 | 04/15/2019 | ORWPRSA | Order Admitting Will Appointing Personal Representative, Adjudicating Solvency & Dir |
| 5 | 04/15/2019 | OA | Oath |
| 6 | 04/15/2019 | LTRTS | Letters Testamentary |
| 7 | 04/15/2019 | CRCDC | Certified Copy of Death Certificate |
| 8 | 04/15/2019 | NTEST | Notice re Probate Case |